

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

Voxer, Inc. and Voxer IP LLC

Plaintiffs,

v.

Facebook, Inc. and Instagram LLC

Defendants.

Civil Action No. 6:20-cv-00011-ADA

Jury Trial Demanded

**JOINT MOTION TO AMEND AGREED SCHEDULING ORDER**

Plaintiffs Voxer, Inc. and Voxer IP LLC and Defendants Facebook, Inc. and Instagram LLC, by and through their undersigned counsel, hereby respectfully move to amend the Court's Scheduling Order [Dkt. 49] as proposed in the First Amended Agreed Scheduling Order hereby submitted.

The changes requested in this motion are to move (1) Defendants' service of preliminary invalidity contentions; (2) the exchange of claim terms for construction; (3) the exchange of proposed claim constructions; and (4) the parties' disclosure of extrinsic evidence, as shown in the chart below:

<b>Amended Deadline</b>	<b>Deadline</b>	<b>Item</b>
July 1, 2020	June 16, 2020	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show

Amended Deadline	Deadline	Item
		the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the prior two years, unless the parties agree to some other timeframe.
July 8, 2020	June 29, 2020	Parties exchange claim terms for construction.
July 15, 2020	July 13, 2020	Parties exchange proposed claim constructions.
July 22, 2020	July 20, 2020	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall also provide a summary of the witness's expected testimony including the opinions to be expressed and a general description of the basis and reasons therefore. A failure to summarize the potential expert testimony in a good faith, informative fashion may result in the exclusion of the proffered testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.

All other case deadlines remain unchanged.

Accordingly, the parties respectfully request that the Court enter the First Amended Agreed Scheduling Order as provided for the Court's use.

Dated: May 11, 2020

Respectfully submitted,

By: /s/ Sam Stake, with permission by  
Michael E. Jones

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*Attorneys for Defendants  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that on May 11, 2020, I electronically filed this document with the Clerk of Court via the Court's CM/ECF system which will send notification of such filing to all counsel of record, all of whom have consented to electronic service in this action.

/s/ Michael E. Jones